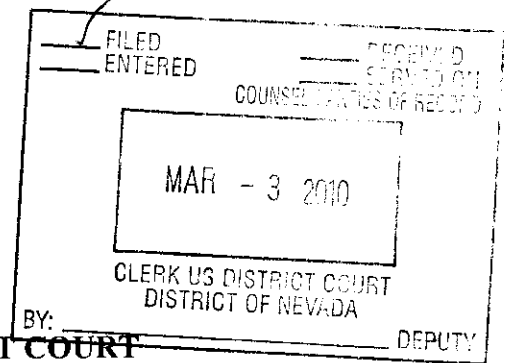


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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARK WINFIELD TRACY,

Defendant.

INDICTMENT FOR VIOLATION OF:

TITLE 29, UNITED STATES CODE,
SECTION 439(c) - Falsification, Concealment
of Destruction of Financial Records Required to be
Kept by Labor Unions (Counts One and Two)

TITLE 29, UNITED STATES CODE,
SECTION 439(b) - Falsification of Annual
Financial Report filed by Labor Union (Count Three)

TITLE 29, UNITED STATES CODE,
SECTION 501(c) - Embezzlement and Theft of Labor
Union Assets (Count Four)

THE GRAND JURY CHARGES THAT:

3:10-cr-00024-RCJ-RAM

COUNT ONE

At all times material to this Indictment, Teamsters Local 533 was a labor organization engaged in an industry affecting commerce and subject to the Labor Management Reporting and Disclosure Act of 1959, 29 U.S.C. § 401, et seq., required to file an annual financial (LM series) report with the Secretary of Labor.

Beginning on or about February 2006 and continuing until April, 2009 in the District of Nevada, the defendant MARK WINFIELD TRACY, did willfully make a series of false entries in a record required to be kept by Section 436 of Title 29, United States Code, that is, invoices and credit card statements, a record on matters required to be reported in the annual financial report of Teamsters Local

533 which was required to be filed with the Secretary of Labor for such labor organization's fiscal year ending December 31 of each calendar year.

All in violation of 29 U.S.C. 439(c).

COUNT TWO

At all times material to this Indictment, Teamsters Local 533 was a labor organization engaged in an industry affecting commerce and subject to the Labor Management Reporting and Disclosure Act of 1959, 29 U.S.C. § 401, et seq., required to file an annual financial (LM series) report with the Secretary of Labor.

Beginning on or about February 2006 and continuing until April, 2009 in the District of Nevada, the defendant MARK WINFIELD TRACY, did willfully conceal and/or destroy a record required to be kept by Section 436 of Title 29, United States Code, that is, invoices and credit card statements, a record on matters required to be reported in the annual financial report of Teamsters Local 533 which was required to be filed with the Secretary of Labor for such labor organization's fiscal year ending December 31 of each calendar year.

All in violation of 29 U.S.C. 439(c).

COUNT THREE

At all times material to this Indictment, Teamsters Local 533 was a labor organization engaged in an industry affecting commerce and subject to the Labor Management Reporting and Disclosure Act of 1959, 29 U.S.C. § 401, et seq.


Beginning on or about February 2006 and continuing until April, 2009 in the District of Nevada, the defendant MARK WINFIELD TRACY, did make a false statement and representation of material fact knowing it to be false in a report and document required to be filed by Teamsters Local 533 with the Secretary of Labor pursuant to Section 431 of Title 29, United States Code, that is, the annual financial report form (LM series) for the union's fiscal year ending on December 31 of each calendar year.

All in violation of 29 U.S.C. 439(b).

COUNT FOUR

Beginning on or about February 2006 and continuing until April, 2009 in the District of Nevada the defendant MARK WINFIELD TRACY, while an officer, that is, Secretary-Treasurer, of Teamsters Local 533, a labor organization engaged in an industry affecting commerce, did embezzle, steal and unlawfully and willfully abstract and convert to his own use and the use of another the moneys, funds, securities, property, and other assets of said labor organization in the approximate amount of \$125,000.00 in violation of Title 29, United States Code, Section 501(c).

A TRUE BILL:



FOREPERSON OF THE GRAND JURY

DANIEL G. BOGDEN
United States Attorney


RONALD C. RACHOW
Assistant United States Attorney